

UNITED STATES DISTRICT COURT

for the
District of Arizona

United States of America)

v.)

Jesus Abel De La Rocha,)

a.k.a.: Oscar Ricardo Quinonez-Benitez,)

a.k.a.: Oscar Quinonez-Benites,)

(A077 443 179))

Defendant

Case No. 17-9490 MJ

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of April 2, 2015, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Jesus Abel De La Rocha, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about December 29, 2005, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).

I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

See Attached Statement of Probable Cause Incorporated By Reference Herein

REVIEWED BY: Charles E. Bailey, P.S. for AUSA Jonathan R. Hornok

☒ Continued on the attached sheet.

Complainant's signature

Gilbert V. Longoria,
Deportation Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: October 30, 2017

Judge's signature

City and state: Phoenix, Arizona

Eileen S. Willett,
United States Magistrate Judge

Printed name and title


STATEMENT OF PROBABLE CAUSE

I, Gilbert V. Longoria, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On April 2, 2015, Jesus Abel De La Rocha was booked into the Maricopa County Jail (MCJ) intake facility by the Glendale Police Department on local charges. While incarcerated at the MCJ, De La Rocha was examined by ICE Officer B. Placencia who determined him to be a Mexican citizen, illegally present in the United States. On the same date, an immigration detainer was lodged with the county jail. On October 27, 2017, De La Rocha was released from the Arizona Department of Corrections and transported to the Phoenix ICE office for further investigation and processing. De La Rocha was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Jesus Abel De La Rocha to be a citizen of Mexico and a previously deported alien. De La Rocha was removed from the United States to Mexico through Nogales, Arizona, on or about December 29, 2005, pursuant to the reinstatement of an order issued by an immigration official. There is no record of De La Rocha in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department of Homeland Security to

return to the United States after his removal. De La Rocha's immigration history was matched to him by electronic fingerprint comparison.

4. On October 27, 2017, Jesus Abel De La Rocha was advised of his constitutional rights. De La Rocha freely and willingly acknowledged his rights and declined to make any further statements.
5. For these reasons, this affiant submits that there is probable cause to believe that on or about April 2, 2015, Jesus Abel De La Rocha, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about December 29, 2005, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).



Gilbert V. Longoria,
Deportation Officer,
Immigration and Customs Enforcement

Sworn to and subscribed before me
this 30th day of October, 2017.



Eileen S. Willett,
United States Magistrate Judge